

**MEMORANDUM OF UNDERSTANDING**

Between

THE DIVISION OIL, GAS &amp; MINING

And

THE DIVISION OF WILDLIFE RESOURCES

**1. Purpose**

The purpose of this Memorandum of Understanding (MOU) is to establish a working arrangement between The Division of Oil, Gas & Mining (OGM) and The Division of Wildlife Resources (DWR) to – Complete Reclamation of mining disturbances on Ivan Moss's Property, in Spring City, Utah, and the Cream Time Quarry (S/039/0009) near Mayfield, Utah.

Both parties to this MOU agree to make every good faith effort to accomplish the actions and abide by the terms set forth below within the time frames outlined.

Both parties understand and agree that none of the provisions in this MOU constitute amendments to the statutory or regulatory functions of either party; nor do the provisions contained herein supersede any rule or authority established for either party in accordance with state administrative procedures. This agreement does not affect either OGM's or DWR's authority and responsibility to initiate enforcement actions whenever violations of either party's governing statutes and rules occur.

**2. Background – Scope of Work****Ivan Moss Property:**

This site was mined during the summers of 2007 and 2008. The operator failed to file a Notice of Intention to Commence Small Mining Operations for this operation, or post a reclamation surety. The Division has not been able to contact the operator to have the reclamation work performed. Ivan Moss, property owner is anxious to have the use of his property restored, but does not have the equipment to do the necessary work.

Reclamation of this site (approximately 4 acres in size) will include burying or otherwise removing large rocks (estimated 200 tons of rock) that was left scattered and piled on the surface, regrading overburden piles so that the area is left at approximate original contours (flat), filling in several small pits (less than ten feet deep), and having the area seeded to a dryland pasture mix that could be grazed or cut for hay. The landowner agreed to remove small rock and to do the seeding provided seed is furnished.

It is expected to take 3-4 workdays to complete the rock removal and regrading work, utilizing a trackhoe excavator and dozer. The work is expected to start on about April 26, 2010, and be completed by May 10, 2010.

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Cream Time Quarry:

The operator passed away prior to completing reclamation of this site. The area was permitted and operated prior to the Division requiring the operator post a reclamation surety. The landowner has been requesting the State have the reclamation completed so that he can have the use of his land restored.

Reclamation of this site will consist of moving/regrading approximately 2000 cubic yards of overburden materials to backfill the last cut made to remove stone and achieve approximate original contour. Minor regrading is also needed to fill in a small trench. After regrading is completed the area will need to be seeded with a dryland pasture mix to restore the grazing landuse.

It is expected to take 3-4 workdays to complete the rock removal and regrading work, utilizing a trackhoe excavator and dozer. The work is expected to start on about April 26, 2010, and be completed by about May 10, 2010.

3. Collaborative Objectives and Acknowledgments

Wildlife Resources will:

Provide the appropriate equipment (via State contracted vendors) and operators to accomplish the earthwork involved with the reclamation of these two sites;  
Contact OGM at least one week prior to onset of project

Oil Gas and Mining will:

Provide the funds for this project as discussed below;  
OGM personnel will also inspect the sites during the reclamation work to assure the work is satisfactory and meets Division standards prior to demobilization of the equipment;

4. Price Agreement

DWR provided the following cost estimate to complete these projects:

Personal services	\$5,010.00
Travel/per diem	\$1,316.00
Equipment fuel	\$2,000.00
Equipment Rental	\$7,733.00
Equipment Transport	\$4,727.00
Service Truck	\$ 600.00
Dump Truck	\$ 350.00
TOTAL	\$21,736.00

DWR will make every effort to keep within the above cost estimate. Should actual costs exceed this amount, DWR will first contact the Division of Oil Gas and Mining for approval of additional monies prior to expenditure of the funds. Revisions can be made to the MOU as either party deems necessary and as agreed upon in written memorandum by the parties.



DWR will invoice OGM monthly for charges associated with actual direct salaries and benefits and reasonable direct charges of in-state travel, current expense and equipment charges. Backup documentation should be included to support such charges. As part of the invoice, DWR will provide a description of hours worked and how those hours were allocated to major tasks or projects performed. DWR will not invoice OGM for any indirect costs associated with DWR employees including but not limited to office space, supervision, or overhead.

OGM will remit payment to DWR for invoiced amounts through an Inter-Agency Transfer (ITA) of funds within 30 days of an invoice. All invoices must be received by July 15 in order for them to be paid in the current fiscal year.

5. General

DWR anticipates starting the project on about April 26, 2010, and expects to have it completed by about May 10, 2010. Actual timeframes may vary depending on weather and other conditions.

The commencement of this MOU will be upon signing by the respective Directors of OGM and DWR and will terminate June 30, 2010. Work must be completed by 6/30/10 as the funding for this project will no longer be available.

6. Points of Contact

Oil Gas and Mining:

Project Coordinators:

Lynn Kunzler	(801) 538-5310	<a href="mailto:lynnkunzler@Utah.gov">lynnkunzler@Utah.gov</a>
John Rogers	(801) 538-5349	<a href="mailto:johnrogers@utah.gov">johnrogers@utah.gov</a>

Program Manager:

Paul Baker	(801) 538-5261	<a href="mailto:paulbaker@utah.gov">paulbaker@utah.gov</a>
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Wildlife Resources:

Habitat Restoration Program Coordinator:

Jason Vernon	(435) 283-4442	<a href="mailto:jasonvernon@utah.gov">jasonvernon@utah.gov</a>
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Lead Construction Specialists:

Wayne Halverson	(801) 232-4941	<a href="mailto:waynehalverson@utah.gov">waynehalverson@utah.gov</a>
Stan Mecham	(801) 538-4700	<a href="mailto:stanmecham@utah.gov">stanmecham@utah.gov</a>

OGM/DWR Memorandum of Understanding

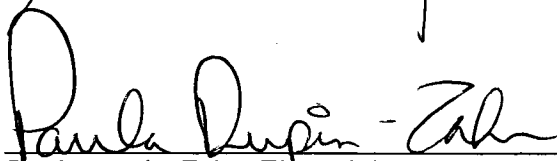
AGREED TO BY:

Oil, Gas & Mining



John Baza, Director OGM


4/13/2010  
Date



Paula Dupin-Zahn, Financial Manager OGM

4/13/10  
Date

Wildlife Resources



Jim Karpowitz, Director DWR

4/15/10  
Date



Linda Braithwaite, Financial Manager DWR

4/15/10  
Date